

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

UNITED STATES OF AMERICA,

Plaintiff,

: Case No. 1:17-cr-96(1)

- vs -

District Judge Susan J. Dlott  
Magistrate Judge Michael R. Merz

BRIAN GRIMES,

Defendant.

:

---

**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

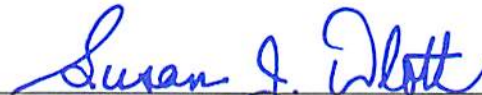
---

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (ECF No. 113), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting no objections were filed thereafter, and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that Defendant's § 2255 motion be dismissed with prejudice. Defendant is DENIED a certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous and therefore should not be permitted to proceed in forma pauperis.

Pursuant to Fed.R.Civ.P. 58, the Clerk shall enter judgment to this effect.

November 12, 2020.



---

Susan J. Dlott  
United States District Judge